

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

STEPHEN TURNER, ROCHELLE
TURNER, and The CINCINNATI
INSURANCE COMPANY,

Plaintiffs,

V.

MOEN STEEL ERECTION, Inc., A
Nebraska Corporation,

Defendant and
Third-Party Plaintiff,

V.

ENTERPRISE PRECAST CONCRETE,
INC., AGA CONSULTING, INC., CITY
OF OMAHA, and BERINGER,
CIACCIO, DENNELL, MABREY, INC.,
a/k/a ZENON, BERINGER, MABREY
PARTNERS, INC.,

Third-Party Defendants.

CASE NO. 8:06CV227

ORDER DISMISSING PLAINTIFFS'
COMPLAINT AGAINST DEFENDANT

The Plaintiffs, Stephen Turner, Rochelle Turner, and The Cincinnati Insurance Company, and the Defendant, Moen Steel Erection, Inc., have filed a stipulation in which they agree that the claims of the Plaintiffs against the Defendant should be dismissed with prejudice. The stipulation complies with the requirements of Fed. R. Civ. P. 41(a)(1)(ii) and will be approved. Accordingly,

IT IS ORDERED:

1. The Stipulation of Dismissal with Prejudice by and between the Plaintiffs and the Defendant (Filing No. 200) is approved;

2. All claims brought by the Plaintiffs against the Defendant Moen Steel Erection, Inc., are hereby dismissed with prejudice;
3. As between the Plaintiffs and the Defendant Moen Steel Erection, Inc., the parties will pay their own costs and attorney fees;
4. The Third-Party Plaintiff's claims against the Third-Party Defendants as alleged in the Amended Third-Party Complaint (Filing No. 110) shall go forward; and
5. The Clerk is directed to terminate the status of the Plaintiffs as parties for statistical purposes, but the caption shall remain the same.

DATED this 24th day of July, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge